

IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF ARKANSAS
WESTERN DIVISION

DONALD RIGGIN,)	
)	
Plaintiff,)	
)	No. 05CV1333
vs.)	
)	
JAY MOODY, et. al.,)	
)	
Defendants.)	

ORDER

Before the Court is plaintiff pro se Donald Riffin's Motion for Restraining Order, Motion for Investigation, and Motion to Compel (Doc. # 22). The remaining defendant, Tim L. Singleton is acting pro se as well. By Order dated November 29, 2005, this Court dismissed with prejudice plaintiff's section 1983 and 1985 claims against defendant Judge Jay Moody in both his official and individual capacities. Defendant Singleton was the only remaining defendant.

The Court now finds that plaintiff's claims against defendant Singleton must be dismissed as well. In plaintiff's Complaint, his only allegations against Singleton was that he conspired with defendant Moody "to deprive plaintiff of his civil rights and other properties." Since defendant Moody has been dismissed from the lawsuit based on immunity, no conspiracy between Moody and Singleton can exist. Under Arkansas law, "[t]o prove a civil conspiracy, a plaintiff must show that two or more persons have combined to accomplish a purpose that is unlawful or oppressive or to accomplish some purpose . . ." Faulkner v. Ark. Children's Hospital, 69 S.W.3d 393, 406 (Ark. 2002). A person cannot conspire with him or herself as that would defeat the requirement of two or more persons.

Since defendant Moody has been dismissed, there are no longer two or more persons to form a conspiracy to support plaintiff's case. Accordingly, it is hereby

ORDERED that plaintiff's claims against defendant Singleton are dismissed with prejudice. It is further

ORDERED that plaintiff pro se Donald Riggin's Motion for Restraining Order, Motion for Investigation, and Motion to Compel (Doc. # 22) is denied as moot.

____/s/ Scott O. Wright____
SCOTT O. WRIGHT
Senior United States District Judge

Dated: ____3/23/2006__